

Date

Chris Dunn
2003 Cully Drive
Baton Rouge, Louisiana 70816

Re: Ethics Board Docket No. 2021-053

Dear Mr. Dunn:

The Louisiana Board of Ethics, at its March 5, 2021 meeting, considered your request for an advisory opinion as to whether you may provide accept the job of Weatherization Programs Director with Quad Area Community Action Agency, Inc after serving as a public employee at Louisiana Housing Corporation.

FACTS PROVIDED

You are currently employed by the Louisiana Housing Corporation ("LHC") in the Construction Compliance and Energy Department as an Admin Program Specialist C. In such role, your responsibilities include assisting LHC in managing the delivery of services provided under the Department of Energy Weatherization Assistance Program.

Quad Area Community Action Agency, Inc. ("Quad Area") is a non-profit community action agency that LHC contracts with to provide and install weatherization measures. Quad Area may be considered a quasi-public entity.

You seek to be employed by Quad Area as Weatherization Program Director, which role includes overseeing and administering the weatherization program, including interacting with LHC in its supervisory capacity.

LAWS

La. R.S. 42:1121B provides that no former public employee shall (1) for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or (2) for a period of two years following the termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

La. R.S. 42:1102(16) defines "person" to mean an individual or legal entity other than a governmental entity, or an agency thereof.

Bankston v. Board of Ethics for Elected Officials, 715 So.2d 1181 (La. 1998) held that Quad Area was properly defined as a person for the purposes of the Code of Governmental Ethics.

ANALYSIS

As you were not the head of an agency or an elected official, the general rule for all other public employees, La. R.S. 42:1121(B), shall apply. Accordingly, for a period of two years after your termination of service to your current agency, you may not assist another person in transactions involving LHC, in which you participated during your employment with LHC. As the Louisiana Supreme Court has held that Quad Area, specifically, is a “person” under La. R.S. 42:1102(16), you may not assist Quad Area in transactions involving LHC, in which you participated during your employment with LHC.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit you to be employed by Quad Area to provide services involving transactions between LHC and Quad Area.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board

No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.

DISCLAIMER

This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.